IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

Crl.MC.No. 1715 of 2007()

CRIME NO.60/2007 OF ANGAMALLY POLICE STATION

PETITIONER:

NABEESA KOYA,
W/O N.K.KOYA, AGED 53 YEARS,
KOYA MANZIL, ERAYANKUDY, MAMBRA,
PRAKKADAVU VILLAGE, ALUVA TALUK.

BY ADV. SRI.C.D.JOHNY
SMT.MEREENA JOSEPH

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY THE STATION HOUSE OFFICER,
ANGAMALLY POLICE STATION,
REP.BY HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.Nos.1715,1716 of 2007

Dated this the 29th day of May 2007

O R D E R

The common petitioner, a woman faces allegations into two separate crimes interalia under Sections 325 and 371 I.P.C in one case and Sections 323,325,370,371,420,120(b) I.P.C in the other. Crimes were registered in January and February 2007. The petitioner has not been arrested. The petitioner wants to appear before the learned Magistrate. The petitioner apprehends that her application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. In these circumstances, the petitioner has come to this court with a prayer to issue directions under Section 482 Cr.P.C to release her on bail on the date of surrender itself.

2. It is for the petitioner to appear before the learned Magistrate and seek bail in the regular and ordinary course. I find absolutely no reason to assume that the learned Magistrate would not consider the application for bail to be filed by the petitioner on merits, in accordance with law and expeditiously.

Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in Alice George vs.Deputy Superintendent of Police [2003 (1)KLT 339]. I have no reason to assume that the learned Magistrate does not know the law or shall not follow the law.

3. In the result, these Criminal Miscellaneous Cases are dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007